IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.416 OF 2005

Vinay Babasaheb Kadam ... Applicant

versus

The State of Maharashtra ... Respondent

...

Mr. V.V. Purwant, for the Applicant.

Mr. K.V. Saste, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

4th February 2005

P.C.:

. Heard Counsel for the parties. Learned A.P.P. states on instructions that the trial will commence on 7th February 2005, as the matter is scheduled to be listed for framing of charges. This Court has already directed expeditious disposal of the trial preferably in six months from 30th September 2004. It is expected that the trial will be over in terms of the said directions. The Applicant had preferred bail

application before this Court which was rejected on merits. In the present application, however, the Applicant prays that he should be released on bail for three different reasons. The first reason is that he is personally unwell and wants to take proper medical treatment. Secondly, that his wife is seriously ill, suffering from spondylosis and radiculitis and requires immediate medical care. The third reason is that all the male members of the family, namely, the Applicant and his two sons, are in custody and there is no male member to look after ailing wife. None of these reasons impress me. Sofar as the illness of the Applicant is concerned, there is no record that it is of such a serious nature that he needs to be released on bail for taking medical treatment. Assuming that he is unwell, the State is obliged to provide medical treatment to him in jail, which is otherwise available.

. Insofar as the illness of the Applicant’s wife is concerned, the certificate filed on record does not indicate that it is of such a serious nature that she is confined to bed and

requires immediate medical attention. In this view of the matter, the argument that all the male members are in jail and there is no male member to look after the ailing wife is only a ruse to come out of jail and that too at a stage when the trial has become ready for hearing and witnesses are expected to enter the witness box to depose against the Applicant. Having regard to the seriousness of the offence, such a course cannot be permitted. Hence rejected. Liberty as granted in order dated 30th September 2004 shall be available to the Applicant if he chooses to avail of the same and that application will be considered on its own merits.

(A.M.KHANWILKAR,J.)